

REMARKS

In response to the Office Action mailed October 18, 2005, Applicant respectfully requests the Examiner to reconsider the above-captioned application.

Objection to Specification

In response to the Examiner's request, the specification has been amended to update the status of the priority applications. Applicant thanks the Examiner for noting this deficiency.

Rejection of Claims 1-3 and 7-11 under 35 U.S.C. § 103(a)

The Examiner rejects claims 1-3 and 7-11 under 35 U.S.C. §103(a) as being unpatentable over Vidlund et al. (USPAP 2003/0130731) in view of Alferness et al. (USPAP 2003/0105520). The Examiner asserts that Vidlund et al. disclose a system for remodeling a mitral valve annulus with all the elements of claim 1, but is silent to a control on the catheter for reversibly transforming the implant between the first flexible configuration and the second remodeling configuration. The Examiner then asserts that Alferness et al. teach a system for effecting the mitral valve annulus geometry wherein an implant is detachably carried by a delivery catheter having a lumen by being slideably received in the lumen. Finally, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to look to the teachings of Alferness et al. to modify the system of Vidlund et al. such that the implant is deployed in the coronary sinus using a similar technique. The Examiner reasons that, by including a coupling to the actuation mechanism and a lock to the proximal end of the implant, a control on the catheter in the form of a tension cable with coupling can be used to reversibly transform the implant between the first flexible configuration and the second remodeling configuration by creating or releasing tension in the actuation mechanism prior to locking.

Applicant notes that paragraph [0124] of Vidlund et al. describes a frame member that comprises an actuation mechanism, wherein the actuation mechanism may be pulled proximally to change the shape of the frame member. However, Vidlund et al. is silent with respect to a frame member that can be reversibly transformed. Alferness et al. disclose a system including

an implant (30) that is detachably carried by a delivery catheter (52). The implant includes a lock (44) on a second anchor (36) that maintains tension in a cable (34) while allowing the delivery catheter (52) and tension cable (42) with coupling (40) to be removed to complete the deployment process. As discussed in paragraph [0035], the lock "takes the form of a ratchet or ratchet-like mechanism for locking the second anchor to the cable." As discussed in paragraph [0036], "the tension cable is used to pull proximally on the cable while the second anchor (36) is preferably held in its fixed position. Once a desired amount of tension is applied to the cable, the ratchet positively and permanently locks the cable (34) to the second anchor (36)."

The cited combination of references fails to recite structure for providing a reversible implant as claimed by Applicant. As discussed above, the lock disclosed by Alferness et al. is a ratchet that allows movement in only one direction. More specifically, the lock of Alferness et al. comprises a biased tab that is continuously engaged for preventing the cable from slipping distally relative to the implant. Accordingly, it would not be possible to release tension in the actuation mechanism "prior to locking," as suggested by the Examiner. Vidlund et al. fail to recite any structure to overcome this deficiency.

In summary, the combination of references cited by the Examiner fails to recite each and every element of the claimed invention. Accordingly, in view of the above remarks, Applicant respectfully requests that the Examiner withdraw the rejections of claims 1-3 and 7-11 under 35 U.S.C. §103(a).

Rejection of Claims 4 and 5 under 35 U.S.C. § 103(a)

The Examiner rejects claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Vidlund et al. and Alferness et al., and further in view of Adams et al. (USPAP 2003/0083538). For the reasons discussed above, Applicant believes that claim 1 is allowable. Accordingly, dependent claims 4 and 5, which recited additional features, should also be allowed.

Rejection of Claim 6 under 35 U.S.C. § 103(a)

The Examiner rejects claim 6 under 35 U.S.C. §103(a) as being unpatentable over Vidlund et al. and Alferness et al., and further in view of Solem et al. (USPN 6,210,432). For

the reasons discussed above, Applicant believes that claim 1 is allowable. Accordingly, dependent claim 6, which recites additional features, should also be allowed.

Petition for Extension of Time to Respond

Pursuant to 37 C.F.R. 1.136(a), Applicant hereby requests an extension of time for **One Month** to respond to the above-referenced Office Action. The Commissioner is hereby authorized to charge the required fee of \$120.00 to Deposit Account No. 50-1225 (Docket No. PVI-5813CIP2CIP1CIP1CON2).

CONCLUSION

Should the Examiner have any questions, the Examiner is encouraged to contact the attorney of record at the telephone number indicated below.

Respectfully submitted,

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David L. Hauser
Registration No. 42,643
EDWARDS LIFESCIENCES LLC
One Edwards Way
Irvine, California 92614
Telephone: (949) 250-6878
Facsimile: (949) 250-6850
Customer No.: 30452